

JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
JASON R. MAIER, ESQ.
Nevada Bar No. 8557
STEPHEN G. CLOUGH, ESQ.
Nevada Bar No. 10549
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Telephone: 702.629.7900
Facsimile: 702.629.7925
E-mail: jag@mgalaw.com
jrm@mgalaw.com
sgc@mgalaw.com

PENGXIANG TIAN, ESQ.
Nevada Bar No. 15662
PT LAW
2820 South Jones Boulevard, Unit 1
Las Vegas, Nevada 89146
Telephone: 702.763.5557
Facsimile: 702.956.8023
E-mail: calvin@ptlawlv.com

Attorneys for Plaintiff Edgar Avitia De La Vega

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDGAR AVITIA DE LA VEGA, an individual,

Plaintiff,

vs.

AYMAN ENTERPRISES, INC., a foreign
corporation; CLARENCE EUGENE
MITCHELL, II, an individual; DOES I through
X; and ROE CORPORATIONS I through X,
inclusive,

Defendants.

Case No.: 2:23-cv-00865-RFB-VCF

**JOINT PROPOSED DISCOVERY PLAN
AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

Plaintiff, EDGAR AVITIA DE LA VEGA (“Plaintiff”), by and through his counsels of record,
the law firm MAIER GUTIERREZ & ASSOCIATES, and PT LAW, and defendants Ayman Enterprises, Inc.
and Clarence Eugene Mitchell, II (“Defendants”), by and through their counsel of record, the law firm
BARRON & PRUITT, LLP, hereby submit this proposed joint discovery plan and scheduling order.

FRCP 26(f) Conference. On July 17, 2023, Joseph A. Gutierrez, Esq. and Pengxiang Tian, Esq., as counsel for Plaintiff, and Nicholas Adams, Esq., as counsel for Defendants, participated in a discovery and scheduling conference (the “Conference”) to discuss all of the issues required by Federal Rule Civil Procedure 26(f). The parties’ initial disclosures will be made by July 31, 2023, fourteen (14) days after the conference.

The Parties now propose the following discovery plan:

1. **Estimated Time for Trial:** Five (5) to seven (7) days.
2. **Discovery Cut-Off Date:** The proposed cut-off date for discovery shall be March 1, 2024, 270 days from the date of Defendant’s first appearance, which occurred on June 1, 2023.
 - a. **Special Scheduling Review:** Parties respectfully request the Court’s permission to extend the time for discovery from 180 days to 270 days. Due to the complexity of Plaintiff’s medical history from this crash and the extent of the damages claimed in this litigation, the parties anticipate additional time will be needed to obtain medical records from numerous providers and for the respective parties and experts to review the materials. The parties further anticipate it will take additional time to investigate the issues surrounding liability and obtain the information needed for liability discovery. Finally, the parties seek extended discovery with the understanding that it will be difficult to schedule witness depositions (particularly treating physicians) around the holidays. Accordingly, the parties request this Court’s permission to allow for a 270-day discovery schedule in this matter.
3. **Amending the Pleadings and Adding Parties:** All motions to amend the pleadings or to add parties shall be filed no later than December 3, 2023, ninety (90) days prior to the proposed close of discovery.
4. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Disclosures concerning initial experts shall be made by January 1, 2024 sixty (60) days before the proposed discovery cut-off date. Disclosures concerning rebuttal experts shall be made by January 31,

2024, thirty (30) days after the initial disclosure of experts.

5. **Dispositive Motions:** The date for filing dispositive motions shall not be later than April 1, 2024, thirty (30) days after the proposed discovery cut-off date. In the event that the discovery period is extended from the discovery cut-off date set forth in this proposed discovery plan and scheduling order, the date for filing dispositive motions shall be extended to be not later than thirty (30) days from the subsequent discovery cut-off date.

6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than May 1, 2024, thirty (30) days after the cut-off for filing dispositive motions. In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the decision on the dispositive motions or until further order of the court. In the further event that the discovery period is extended from the discovery cut-off date set forth in this discovery plan and scheduling order, the date for filing the joint pretrial order shall be extended in accordance with the time periods set forth in this paragraph.

7. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections hereto shall be included in the joint pretrial order.

8. **Alternative Dispute Resolution:** The parties previously discussed the possibility of mediation and arbitration.

9. **Alternative Forms of Case Disposition:** The parties have discussed the possibility of trial by the magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and without conceding any issues with jurisdiction, agree that trial in this case would be better suited before the U.S. District Court.

10. **Electronic Evidence:** The parties do not at this time anticipate any issues about disclosures or discovery of electronically stored information, if any, including the form or forms in which it should be produced. The parties shall meet and confer and otherwise work in good faith with respect to the production of electronically stored information should any dispute arise.

11. **Interim Status Report:** The joint interim status report required by LR 26-3 shall be filed no later than January 1, 2024, or 60 days prior to the close of discovery in the event that the discovery period is extended from the discovery cut-off date set forth in this discovery plan and scheduling order.

12. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made pursuant to LR 26-3 and be supported by a showing of good cause, no later than twenty-one (21) days before the subject deadline.

13. **Subjects of Discovery.** The parties agree that discovery may be taken on any subject permitted by the Federal Rules of Civil Procedure.

14. **Discovery Phases.** The parties do not believe it is necessary to conduct discovery in phases.

15. **Document Production.** All documents produced in this action will be delivered as either hardcopy documents or Portable Document Format (“PDF”) images unless the requesting party specifically requests that any responsive electronic documents be produced in native format.

16. **Written Discovery.** The parties mutually agree to provide Word versions of any propounded written discovery requests to the responding party so as to facilitate the process of providing responses.

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17. **Protective Orders For Confidential Documents And/Or Information.** The parties have discussed the need for a protective order for confidential documents and/or information and will be working together to agree on the terms of a stipulated protective order if needed.

DATED this 31st day of July, 2023.

MAIER GUTIERREZ & ASSOCIATES

/s/ Joseph A. Gutierrez

JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
JASON R. MAIER, ESQ.
Nevada Bar No. 8557
STEPHEN G. CLOUGH, ESQ.
Nevada Bar No. 10549
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Plaintiff

DATED this 31st day of July, 2023.

BARRON & PRUITT, LLP ATTORNEYS AT LAW

/s/ Joseph Meservy

WILLIAM H. PRUITT, ESQ.
Nevada Bar No. 6783
JOSEPH MESERVY, ESQ.
Nevada Bar No. 14088
3890 West Ann Road
North Las Vegas, Nevada 89031
Attorneys for Defendants

DATED this 31st day of July, 2023.

PT LAW

/s/ Pengxiang Tian

PENGXIANG TIAN, ESQ.
Nevada Bar No. 15662
2820 South Jones Boulevard, Unit 1
Las Vegas, Nevada 89146
Attorneys for Plaintiff

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 8/1/23